

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

MONY SEREY

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:
:

NO. 08-290-02

JUDGMENT AND PRELIMINARY ORDER OF FORFEITURE

AND NOW, this 31st day of July, 2009, upon consideration of the Government's unopposed Motion for Judgement and Preliminary Order of Forfeiture (Doc. No. 68), it is hereby **ORDERED** that:

1. As a result of Defendant's guilty plea to Counts One and Four of the Superseding Indictment, charging violations of 18 U.S.C. § 371 and 31 U.S.C. § 5316, and pursuant to 18 U.S.C. § 981(a)(1)(c), 28 U.S.C. § 2461 and 31 U.S.C. § 5137(c)(1), Defendant hereby forfeits to the United States all his right, title and interest in any property constituting, or derived from, proceeds Defendant obtained from the violations charged in Counts One and Four, and/or any property used, or intended to be used, to facilitate the commission of those violations.

2. The Court has determined that the following specific property is subject to forfeiture as a result of Defendant's guilty plea to the illegal acts alleged in Counts One and Four, and that the Government has established the requisite nexus between such property and such offenses:

a) Twenty-seven Thousand One Hundred Fifty-two Dollars
and Eighty Cents (\$27,152.80) in United States Currency,
as such property constituting or derived from, proceeds obtained as a result of the offenses and as property that was used or was intended to be used, to facilitate the commission of the said violations (hereinafter referred to as the "Subject Property").

3. Upon the entry of this Order, the United States is authorized to seize the property

subject to forfeiture, and to conduct any discovery necessary to identify, locate or dispose of the property subject to forfeiture, in accordance with Fed.R.Crim.P. 32.2(b)(3).

4. Pursuant to 21 U.S.C. § 853(n)(1), made applicable pursuant to 28 U.S.C. § 2461 (c), the United States Government shall put notice on an official internet government forfeiture site for 30 consecutive days, notice of the government's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than Defendant, having or claiming a legal interest in any of the property subject to this Order must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.


This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim, and the relief sought.

5. The United States shall also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is subject to the Judgment and Preliminary Order of Forfeiture, and to their attorney, if they are represented, as a substitute for published notice as to those persons so notified.

6. Any person, other than Defendant, asserting a legal interest in the Subject Property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his alleged interest in the Subject Property, and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n)(6).

7. Pursuant to Fed.R.Crim.P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to Defendant before sentencing and shall be made part of the sentence and included in the judgment.
8. After the disposition of any petition filed under Fed.R.Crim.P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.
9. The United States shall have clear title to the Subject Property following the Court's disposition of all third-party interests.
10. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed.R.Crim.P. 32.2(e).
11. In its discretion, the United States is authorized to serve a copy of this Order directly upon Defendant.
12. The Clerk of the United States District Court for the Eastern District of Pennsylvania shall deliver a copy of this Judgment and Preliminary Order of Forfeiture to the United States Marshals Service and to counsel for the parties.

IT IS SO ORDERED.


Paul S. Diamond, J.